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New lawyer advised NSC on contra aid

Covert operations legal, panel said

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WASHINGTON - The lawyer for the White House board that provided a legal opinion that the National Security Council and Lt. Col. Oliver L. North could conduct covert activities on behalf of the Nicaraguan contras had not passed the bar examination when he was hired.

According to state and federal records, Bretton G. Sciaroni began working as chief counsel for the Intelligence Oversight Board in mid-1984, even though Pennsylvania state records show he did not pass the bar examination until November 1984.

The legal opinions that North and others inside the White House used to justify secret activities in support of the contras were written in 1985, less than a year after Sciaroni passed his bar examination.

Established in the late 1970s to provide presidents with advice on the propriety and legality of proposed covert operations, the Intelligence Oversight Board appears to have played a key role in the Iran-contra affair.

Sen. Warren Rudman (R-N.H.), vice chairman of the special Senate Committee investigating the scandal, yesterday said of the board: "They are a very remote, relatively unimportant board with a fairly inexperienced counsel." Rudman appeared yesterday on ABC's "This Week with David Brinkley."

"Now if they went to that counsel to get that opinion, that kind of tells me something about why they didn't go to the Justice Department," Rudman said of the White House.

The Tower Commission report cited two legal opinions by the board that appear to have been used to justify covert activities in support of the

contras during a period when such activities were subject to congressional restrictions.

The board gave:

- Advice to Rear Adm. John M. Poindexter, then Reagan's national security adviser, that any US agency, including the CIA, could provide basic military training to the rebels as long as the training did not amount to "the participation in the planning or execution" of military operations inside Nica-

ragua. That opinion, written in April 1986, went further than the CIA's lawyers said was allowable for agents who were operating in Honduras near the Nicaraguan border.

- Advice in 1985 that the NSC was not covered by the Boland Amendment, which prohibited intelligence agencies from providing military assistance to the contras, because the NSC was not officially in the business of gathering intelligence.

The Tower Commission concluded that the board's opinion apparently was used by North and others at the NSC as a legal basis for their activities to help arm the contras during the period when official US military assistance to the rebels was cut off.

The New York Times reported yesterday that President Reagan ordered his NSC staff not to abandon the contras despite the Boland Amendment, which went into effect in October 1984, and soon afterward an opinion was sought from the IOB on whether the NSC was covered by the amendment's prohibitions.

The Times said in testimony this week to the congressional committees investigating the Iran-contra affair, Robert C. McFarlane, Reagan's former national security adviser, will say that the job of maintaining the rebels' viability fell to the NSC while the Boland Amendment was in effect.

In his television appearance, Rudman did not identify Sciaroni by name as the board's counsel.

Nor did the Tower Commission identify the author of the Intelligence Oversight Board's legal opinions on the NSC or the CIA. However, both opinions were issued after Sciaroni began working for the board in mid-1984 as its only fulltime lawyer.

If, as the documents suggest, Sciaroni helped write the legal memoranda he did so with only a few months of official legal experience.

A 1978 graduate of University of California at Los Angeles Law School, Sciaroni, 36, did not take his bar examination until 1984.

After graduation from UCLA, Sciaroni worked at the Commerce Department's office for international economic policy and was a public affairs fellow at the Hoover Institution on War, Revolution and Peace at Stanford University.

According to Pennsylvania records, Sciaroni took the bar examination in Philadelphia on July 24 and 25, 1984. Nearly four months later, on Nov. 13, 1984, he was sworn in as a lawyer by the Pennsylvania Supreme Court.

Although many law graduates obtain jobs in the profession right after graduation, they are not allowed to render official legal opinions until they have passed the bar examinations.

The exact date that Sciaroni began working for the Intelligence Oversight Board is uncertain. Sciaroni refused to be interviewed as did Sciaroni's boss, W. Glenn Campbell, chairman of the three-member Intelligence Oversight Board.

The White House personnel computer shows that Sciaroni is officially an employee of the Justice Department and that agency records show he was hired on June 8, 1984. The IOB's administrative assistant said she does not have an official hiring date for Sciaroni but her records show him "signing papers for the board" in June 1984.

However, Robert F. Turner, Sciaroni's predecessor as counsel to the board, said he recalls Sciaroni being hired as counsel in either March or April 1984. "I had been hired at the State Department in either December or January and I was very eager to begin my new responsibilities as soon as I could," Turner said in an interview last month.

"They were sort of scrambling for a few weeks to find a replacement but once the new person came in things settled down and the work went on," Turner said.